MINUTES
IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA EASTERN, DIVISION

HON. CHARLES S. COODY, MAG. JUDGE AT MONTGOMERY, ALABAMA

DATE COMMENCED: 8/24/06 AT 2:03 p.m. to 2:22 p.m.

DATE COMPLETED: 8/24/06

MACON COUNTY INVESTMENTS, INC. et al. *
*
*
Plaintiff *
*
vs.. * CASE NO. 3:06CV224-WKW-CSC
*
DAVID WARREN, etc. *
*
Defendant *

PLAINTIFF — APPEARANCES: — DEFENDANT

PLAINTIFF		DEFENDANT
Atty. Gary A. Grasso, via Telephone	*	Atty. Fred D. Gray, Sr.
Atty. Ramadanah M. Salaam-Jones	*	Atty. Fred D. Gray, Jr.

COURT OFFICIALS PRESENT:

COURTROOM DEPUTY: WANDA STINSON

(X) OTHER PROCEEDINGS: ***ORAL ARGUMENTS re: Motion to Shorten Time for Discovery Responses; Motion to Allow Third Party Discovery; Motion to Compel***

SEE MINUTES ATTACHED

LOG OF PROCEEDINGS ELECTRONICALLY RECORDED

Description	Oral Argument - 06cv224-WKW-CSC		
Date	8 /24/2006	**Location**	Courtroom 4B

Time	Speaker	Note
2 :03:10 PM	Court	Court convenes; Parties present in the courtroom and via telephone as noted above; Discussion as to the pending discovery motion; Both sides believes that additional discovery is necessary and that we need a new schedule for discovery;
2 :03:36 PM	Atty. Gray, Sr. 2:22	Addresses the court; Discussion as to 3 depositions taken; Agrees that a scheduling order is needed;
2 :04:28 PM	Court	Question to Mr. Grasso as to his agreement that we need a new schedule for additional discovery
2 :04:37 PM	Atty. Grasso	Response - disgrees with Mr. Gray, Sr. representations; that the issues can be handled very expeditiously; There is very little need for discovery;
2 :05:52 PM	Atty. Salaam-Jones	Addresses the court - agrees that there is some additional discovery needed;
2 :06:27 PM	Court	Question to plaintiff's counsel as to sheriff Warren's responses in document #35 regarding after the depositions of the corporate representatives for Reach One and MCII that those two entities have no asset, no bank accounts, don't have any moneyetc. is that factually correct?;
2 :07:17 PM	Atty. Salaam-Jones	Response - would not say so; MCII have the means to acquire the assets;
2 :07:27 PM	Court	I asked you if they have the assets?
2 :07:33 PM	Atty. Salaam-Jones	In its possession right now, No they do not have the assets;
2 :07:35 PM	Court	Can you tell me how you can demonstrate to the court that the failure to act on the request for a bingo license at present is an irreprerable injury?
2 :08:29 PM	Atty. Salaam-Jones	Response;
2 :08:34 PM	Court	Response as to irrepreable injury;
2 :08:58 PM	Atty. Grasso	Addresses the court on the issue;
2 :11:12 PM	Court	Response as to using the approach of preliminary injunction as the appropriate approach; What need to be done is give the parties an appropriate time to conduct appropriate discovery and the matter set for final hearing on the merits;
2 :11:57 PM	Atty. Grasso	Response;
2 :12:53 PM	Court	Discussion on if the court were to grant prelminary injunctive relief;
2 :13:01 PM	Atty. Grasso	Response;

2 :13:38 PM	Court	Will talk with Judge Whatkins about it; Discussion as the pending motions; Will DENY the motion to shorten time for discovery responses - the court will redo the schedule; If the discovery goes forward under a normal schedule the parties would have the authority to conduct third party discovery in regards to that check; The court will DENY that without prejudice; Dscussions as to motion to compel filed by Sheriff Warren; The will DENY this motion because it doesn't meet the requirements of Rule 26 and Rule 37;
2 :16:40 PM	Atty. Gray, Sr.	Response regarding the letter delivered to counsel; there was a conference; The motion may be moot at this time; there was a subsequent response the basically saids that they don't have them; There is one document that they submitted to us that indicated an attachment of the agreement between, Reach One, Teach One and MCII, which was not attached to the response; That' the only thing outstanding;
2 :17:38 PM	Court	Have you asked them about that?;
2 :17:41 PM	Atty. Gray, Sr.	We have not; We just got her response the other day;
2 :17:47 PM	Court	The court will DENY that motion as moot; Will give you ad deadline for filing your Rule 26 planning report;
2 :19:11 PM	Atty. Salaam-Jones	Two weeks would be fine to file planning report;
2 :19:13 PM	Court	OK. After that's done, Judge Watkins will give you a scheduling order; Discussions as to the bingo rules and regulations;
2 :21:09 PM	Atty. Gray, Sr.	Response;
2 :21:23 PM	Court	Response;
2 :22:00 PM	Atty. Gray, Sr.	Response rgarding charity;
2 :22:13 PM	Atty. Gray, Jr.	Addresses the court as to the expedited schedule that the deft was only give 4 hours per deponent;
2 :22:30 PM	Court	Response that part of Rule 26 report should be an agreement of the lenght of depositions;
2 :22:56 PM	Court	Court is recessed;